

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND**

**UNITED STATES OF AMERICA**

**v.**

**RYAN FARACE,**

**Defendant**

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**CRIMINAL NO. CCB-18-0018**

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**CONSENT MOTION TO AMEND THE AMENDED PRELIMINARY ORDER OF  
FORFEITURE TO INCLUDE SUBSEQUENTLY LOCATED PROPERTY**

The United States of America, by and through its undersigned attorneys, and with the consent of counsel for the defendant Ryan Farace (the “Defendant”), moves to amend the Amended Preliminary Order of Forfeiture previously entered on August 30, 2019 (ECF No. 93) to include the following subsequently located property pursuant to Rule 32.2(e) of the Federal Rules of Criminal Procedure: (a) 22.30267654 bitcoin recovered on or about January 7, 2020 (Asset ID 20-DEA-659377); and (b) 2.00601444 bitcoin recovered on or about March 11, 2020 (Asset ID 20-DEA-661425). In support thereof, the United States sets forth the following:

1. On October 3, 2018, the Defendant pled guilty to Counts One and Six of a Superseding Indictment charging him, respectively, with conspiracy to manufacture, distribute, and possess with intent to distribute alprazolam, in violation of 21 U.S.C. § 846, and conspiracy to commit money laundering, in violation of 18 U.S.C. § 1956(h). ECF No. 65. As part of his plea agreement, the Defendant agreed to forfeit, in addition to other assets, “any and all digital currencies received by the Defendant from customers on dark net markets” and “any and all digital currencies that are stored on any electronic device seized from 2303 Knox Avenue, 3 William Court, 16925 York Road, and 19621 Middletown Road.” *Id.* ¶11(b)(28) and (30).

2. The Court sentenced the Defendant on November 30, 2018. ECF No. 71. As part of the Defendant's sentence, the Court entered an Amended Preliminary Order of Forfeiture on August 30, 2019. ECF No. 93.

3. Following the Court's entry of the Amended Preliminary Order of Forfeiture, the Government also recovered the following assets:

- a. 22.30267654 bitcoin recovered on or about January 7, 2020 from a Bitpay account successfully recreated from a recovery seed seized during execution of a search warrant at the Defendant's residence on January 16, 2018 (Asset ID 20-DEA-659377); and
- b. 2.00601444 bitcoin recovered on or about March 11, 2020 through additional analysis of a computer seized during execution of a search warrant at the Defendant's home in Sparks, Maryland on January 16, 2018 (Asset ID 20-DEA-661425)

(collectively, the "Subsequently Located Property").

4. On August 3, 2021, a federal grand jury returned a separate indictment against the Defendant charging him with Conspiracy to Commit Money Laundering, in violation of 18 U.S.C. § 1956(h) (Count One), in Criminal No. CCB-21-294 from at least October 2019 continuing through in or about April 2021 (the "2021 Criminal Case").

5. On September 8, 2022, the Defendant pled guilty to the conspiracy charged in Count One of the indictment in the 2021 Criminal Case. As part of his written plea agreement, the Defendant agreed to consent to the Government's filing of a motion to forfeit all right, title and interest in the Subsequently Located Property and admitted that the Subsequently Located Property was derived from or obtained by the Defendant as a result of his offense of conviction in this case and/or were involved in his money laundering offense of conviction in this case.

6. Federal Rule of Criminal Procedure 32.2(e)(1)(A) provides that, on the Government's motion, "the court may at any time enter an order of forfeiture or amend an

existing order of forfeiture to include property that . . . is subject to forfeiture under an existing order of forfeiture but was located and identified after that order was entered . . . .”

7. Pursuant to 18 U.S.C. § 982(a)(1), 21 U.S.C. § 853(a), and Rule 32.2(e) of the Federal Rules of Criminal Procedure, the United States is now entitled to an Amended Preliminary Order of Forfeiture with respect to the Subsequently Located Property.

8. Upon the issuance of a Preliminary Order of Forfeiture and pursuant to 21 U.S.C. § 853(n)(1) and Rule 32.2(b)(6)(C) of the Federal Rules of Criminal Procedure, the United States shall publish, for thirty (30) consecutive calendar days on the government forfeiture website [www.forfeiture.gov](http://www.forfeiture.gov), notice of the Preliminary Order of Forfeiture, notice of the United States’ intent to dispose of the Subsequently Located Property, and notice that any person, other than the Defendant, having or claiming a legal interest in the Subsequently Located Property must file a petition with the Court within sixty (60) days after the first day of publication on the government forfeiture website or within thirty (30) days after receipt of actual notice, whichever is earlier.

9. This notice shall state that the petition shall be for a hearing to adjudicate the validity of the petitioner’s alleged interest in the Subsequently Located Property, shall be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of the petitioner’s right, title, or interest in the forfeited Subsequently Located Property and any additional facts supporting the petitioner’s claim and the relief sought.

10. The United States may also, to the extent practicable, provide direct written notice to any person known to have alleged an interest in the Subsequently Located Property that is the subject of the Preliminary Order of Forfeiture as a substitute for published notice as to those persons so notified.

11. The United States also seeks authority to conduct any discovery that might be necessary to identify, locate, or dispose of forfeited property, pursuant to Rule 32.2(b)(3) and (c)(1)(B) of the Federal Rules of Criminal Procedure and 21 U.S.C. § 853(m).

12. Counsel for the United States has conferred with counsel for the Defendant who confirmed that the Defendant consented to the forfeiture of the Subsequently Located Property in his written and signed plea agreement in the 2021 Criminal Case.

WHEREFORE, the United States requests that this Court:

(a) enter the Order Amending the Amended Preliminary Order of Forfeiture in the form submitted herewith to include (a) 22.30267654 bitcoin recovered on or about January 7, 2020 (Asset ID 20-DEA-659377); and (b) 2.00601444 bitcoin recovered on or about March 11, 2020 (Asset ID 20-DEA-661425) as subsequently located property pursuant to Fed. R. Crim. P. 32.2(e)(1)(A); and

(b) retain jurisdiction for the purpose of enforcing the forfeiture.

Respectfully submitted,

Erek L. Barron  
United States Attorney

By: /s/  
Jennifer L. Wine  
Coreen Mao  
Assistant United States Attorneys

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Motion to Amend the Amended Preliminary Order of Forfeiture to Include Subsequently Located Property, as well as the proposed Order Amending the Amended Preliminary Order of Forfeiture to Include Subsequently Located Property, were filed through the Electronic Case Filing system and will be sent electronically to the registered participants as identified on the Notice of Electronic Filing. I also caused a copy to be served by email on the Defendant's counsel in the 2021 Criminal Case:

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/s/ \_\_\_\_\_  
Jennifer L. Wine  
Assistant United States Attorney